



**City of Bellevue
Development Services Department
Land Use Staff Report**

Proposal Name: Mishra Residence

Proposal Address: 1855 W Lake Sammamish Pkwy. SE

Proposal Description: The applicant is proposing to construct a single-family residence on an undeveloped property encumbered by a 100-foot stream buffer, steep slope critical areas, 50-foot top-of-slope buffer and 75-foot toe-of-slope setback. Per Land Use Code (LUC) 20.25H.200 the site does not have at least 2,625 square feet of buildable area outside of critical areas and buffers and therefore any development proposed on this site is allowed per a Reasonable Use Exception (RUE). The proposal includes a variance for lot coverage to establish the reasonable use allowed by code.

File Number: 19-105626-LS and 19-105627-LO

Applicant: Chad Whittle, Monsef Donogh Design Group

Decisions Included Variance from the Land Use Code
(Process II. 20.30G)

Critical Areas Land Use Permit
(Process II. 20.30P)

Planner: Drew Folsom, Land Use Planner

**State Environmental Policy Act
Threshold Determination:** Exempt

Director's Decision: **Approval with Conditions**
Michael A. Brennan, Director
Development Services Department

By: 
Elizabeth Stead, Land Use Director

Application Date: February 15, 2019
Notice of Application Date: May 23, 2019
Decision Publication Date: January 9, 2020
Project Appeal Deadline: January 23, 2019

For information on how to appeal a proposal, visit Development Services Center at City Hall or call (425) 452-6800. Appeal of the Critical Areas Land Use Permit decision and Variance must be received in the City's Clerk's Office by 5 PM on the date noted for appeal of the decision.

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Documents Referenced in Report in File

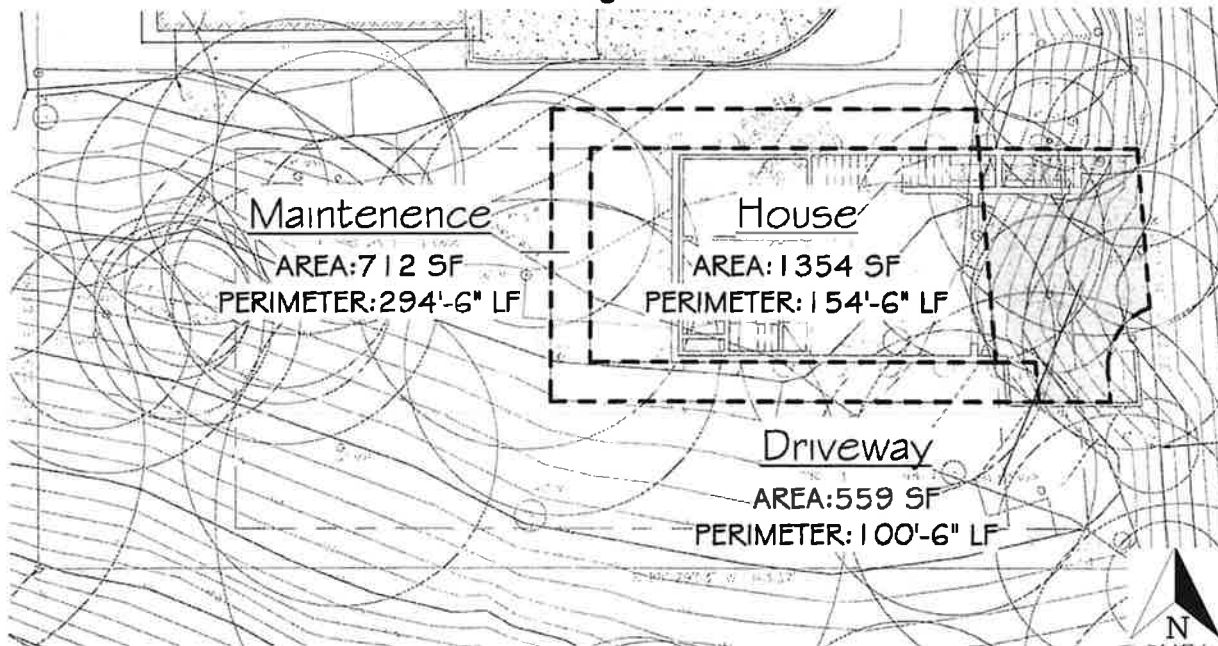
1. Project Plans –
2. Vegetation Management Plan, Tree Retention Plan, Maintenance and Monitoring Plan– In File
3. Project Narrative, Habitat Study, Stream and Wetland Study – In File
4. Geotech Assessments, Slope Analysis– In File

I. Proposal Description

The applicant is proposing to construct a single-family residence on an undeveloped property that is encumbered by a 100-foot stream buffer, steep slope critical areas, 50-foot top-of-slope buffer and 75-foot toe-of-slope setback. Per LUC 20.25H.200, the site does not have at least 2,625 square feet of buildable area outside of critical areas and buffers and therefore any development proposed on this site is allowed per a Reasonable Use Exception (RUE). The RUE allows disturbance in a critical area and critical area buffer to the extent required to create a consolidated area for development equal to a maximum of 2,625 square feet. For the purposes of reasonable use, disturbance includes but is not limited to all structures, grading, utility installation, landscaping, and other necessary land alteration. The proposed development will permanently impact 2,625 square feet. The project proposes 2,588 square feet of mitigation planting and will place the remainder of the site into a Native Growth Protection Area Easement (NGPE). A Critical Areas Land Use Permit is required per LUC 20.225H.195 to approve the proposed reasonable use exception. Per LUC 20.20.010 note 13, lot coverage is calculated after subtracting all critical areas and stream critical area buffers. The applicant is requesting a variance to modify the lot coverage allowed on sites with critical areas or stream buffers in the R-3.5 zoning district to achieve a building footprint consistent with those afforded to properties within the immediate vicinity.

See Figure 1 below for a site plan showing the proposal.

Figure 1



II. Site Description, Zoning, Land Use and Critical Areas

A. Site Description

The site is located at 1855 West Lake Sammamish Parkway SE on the west side of the parkway. The site is a .20-acre vacant parcel with access gained directly from West Lake Sammamish Parkway SE along the eastern property line. The site is adjacent to Weowna Park to the west and south of the property and adjacent to residentially developed property to

the north. The site generally slopes downward toward the Parkway with the eastern portion of the site having the steepest topography along the road frontage. There is a Type F stream (Phantom Creek) located on the parcel to the south and the 100-foot buffer from this stream covers the entire subject property. Existing vegetation includes a canopy of Douglas fir, Western red, big leaf maple, red alder, hazelnut, and vine maple. The understory on the site consists of Indian plum, sword fern, salal, and Himalayan blackberry. See figure 2 for the existing site condition.

Figure 2



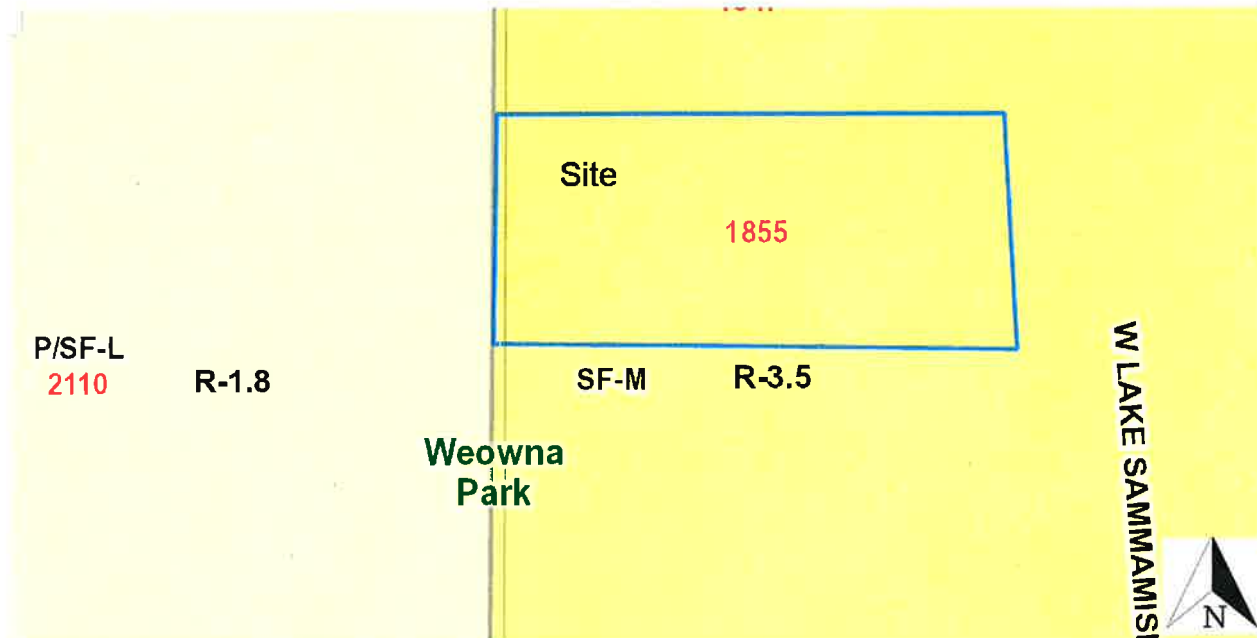
B. Zoning

The property is zoned R-3.5, single family residential.

C. Land Use Context

The property has a Comprehensive Plan Land Use Designation of SF-M (Single Family Medium Density).

Figure 3 Zoning and Comprehensive Plan Designation



D. Critical Areas On-Site and Regulations

i. Geologic Hazard Areas

Geologic hazards pose a threat to the health and safety of citizens when commercial, residential, or industrial development is inappropriately sited in areas of significant hazard. Some geologic hazards can be reduced or mitigated by engineering, design, or modified construction practices. When technology cannot reduce risks to acceptable levels, building in geologically hazardous areas is best avoided (WAC 365-190).

Steep slopes may serve several other functions and possess other values for the City and its residents. Several of Bellevue's remaining large blocks of forest are located in steep slope areas, providing habitat for a variety of wildlife species and important linkages between habitat areas in the City. These steep slope areas also act as conduits for groundwater, which drains from hillsides to provide a water source for the City's wetlands and stream systems. Vegetated steep slopes also provide a visual amenity in the City, providing a "green" backdrop for urbanized areas enhancing property values and buffering urban development.

ii. Streams and Riparian Areas

Most of the elements necessary for a healthy aquatic environment rely on processes sustained by dynamic interaction between the stream and the adjacent riparian area (Naiman et al., 1992). Riparian vegetation in floodplains and along stream banks provides a buffer to help mitigate the impacts of urbanization (Finkenbine et al., 2000 in Bolton and Shellberg, 2001). Riparian areas support healthy stream conditions.

Riparian vegetation, particularly forested riparian areas, affect water temperature by providing shade to reduce solar exposure and regulate high ambient air temperatures,

slowing or preventing increases in water temperature (Brazier and Brown, 1973; Corbett and Lynch, 1985).

Upland and wetland riparian areas retain sediments, nutrients, pesticides, pathogens, and other pollutants that may be present in runoff, protecting water quality in streams (Ecology, 2001; City of Portland 2001). The roots of riparian plants also hold soil and prevent erosion and sedimentation that may affect spawning success or other behaviors, such as feeding.

Both upland and wetland riparian areas reduce the effects of flood flows. Riparian areas and wetlands reduce and desynchronize peak crests and flow rates of floods (Novitzki, 1979; Verry and Boelter, 1979 in Mitsch and Gosselink, 1993). Upland and wetland areas can infiltrate floodflows, which in turn, are released to the stream as baseflow

Stream riparian areas, or buffers, can be a significant factor in determining the quality of wildlife habitat. For example, buffers comprised of native vegetation with multi- canopy structure, snags, and down logs provide habitat for the greatest range of wildlife species (McMillan, 2000). Vegetated riparian areas also provide a source of large woody debris that helps create and maintain diverse in-stream habitat, as well as create woody debris jams that store sediments and moderate flood velocities.

Sparsely vegetated or vegetated buffers with non-native species may not perform the needed functions of stream buffers. In cases where the buffer is not well vegetated, it is necessary to either increase the buffer width or require that the standard buffer width be restored or revegetated (May 2003). Until the newly planted buffer is established the near term goals for buffer functions may not be attained.

Riparian areas often have shallow groundwater tables, as well as areas where groundwater and surface waters interact. Groundwater flows out of riparian wetlands, seeps, and springs to support stream baseflows. Surface water that flows into riparian areas during floods or as direct precipitation infiltrates into groundwater in riparian areas and is stored for later discharge to the stream (Ecology, 2001; City of Portland, 2001).

III. Habitat Associated with Species of Local Importance

Urbanization, the increase in human settlement density and associated intensification of land use, has a profound and lasting effect on the natural environment and wildlife habitat (McKinney 2002, Blair 2004, Marzluff 2005 Munns 2006), is a major cause of native species local extinctions (Czech et al 2000), and is likely to become the primary cause of extinctions in the coming century (Marzluff et al. 2001a). Cities are typically located along rivers, on coastlines, or near large bodies of water. The associated floodplains and riparian systems make up a relatively small percentage of land cover in the western United States, yet they provide habitat for rich wildlife communities (Knopf et al. 1988), which in turn provide a source for urban habitat patches or reserves. Consequently, urban areas can support rich wildlife communities. In fact, species richness peaks for some groups, including songbirds, at an intermediate level of development (Blair 1999, Marzluff 2005). Protected wild areas alone cannot be depended on to conserve wildlife species. Impacts from catastrophic events, environmental changes, and evolutionary processes

(genetic drift, inbreeding, colonization) can be magnified when a taxonomic group or unit is confined to a specific area, and no one area or group of areas is likely to support the biological processes necessary to maintain biodiversity over a range of geographic scales (Shaughnessy and O'Neil 2001). As well, typological approaches to taxonomy or the use of indicators present the risk that evolutionary potential will be lost when depending on reserves for preservation (Rojas 2007). Urban habitat is a vital link in the process of wildlife conservation in the U.S.

III. Consistency with Land Use Code Requirements:

A. Zoning District Dimensional Requirements:

Excluding lot coverage as discussed in Section VII, the R-3.5 zoning dimensional requirements found in LUC 20.20.010 are generally met by the proposed house, but conformance will be verified during building permit review. All setbacks, height, lot coverage by structure, and impervious surface may be required to be verified by survey through the building permit inspection process. **See Conditions of Approval for building permit in Section X of this report.**

B. Critical Areas Requirements LUC 20.25H:

The City of Bellevue Land Use Code Critical Areas Overlay District (LUC 20.25H) establishes the reasonable use exception as a mechanism by which the City may approve limited use and disturbance of a critical area and critical area buffer when no other use of the property constitutes a reasonable alternative. A reasonable use exception may be granted when no other reasonable use of the property exists as a result of the application of the regulations in LUC 20.25H.

The property is subject to reasonable use requirements as it does not have an area available for development, outside of critical areas and buffers that exceeds 2,625 square feet. This property is a small lot as defined in LUC 20.25H.200 as it does not qualify for more than one unit of density. The property is zoned R-3.5 and as a result is limited to a total maximum permanent disturbance footprint area of 2,625 square feet. This proposal can be approved provided the following performance standards in LUC 20.25H.205 are met as well as standards LUC 20.25H.125 and LUC 20.25H.100 which were addressed by the project biologist in their Critical Areas Land Use permit narrative and subsequent revisions (Attachment 3).

i. Consistency with LUC 20.25H.205

Where disturbance of a critical area or critical area buffer is allowed under this section, development is subject to the following performance standards.

- 1. The structure shall be located on the site in order to minimize the impact on the critical area or critical area buffer, including modifying the non-critical area setbacks to the maximum extent allowed under LUC 20.25H.040;**

Finding: The structure will be located as close to the road access as possible to limit

disturbance of the site, however, this placement does locate the development in a portion of the steepest portion of the slope. The lower level of the house is located 20-feet from the front property line. The front yard setback was not reduced to the minimum 10 feet permitted by code because it would not have allowed for safe on-site vehicle turnaround and access from the arterial street West Lake Sammamish Parkway SE.

- 2. Ground floor access points on portions of the structure adjacent to undisturbed critical area or critical area buffer shall be limited to the minimum necessary to comply with the requirements of the International Building Code and International Fire Code, as adopted and amended by the City of Bellevue;**

Finding: Ground floor access points from the home are limited to those required by the IBC and IFC. A five-foot maintenance access corridor has been provided around the structure. A fence will separate the corridor from the critical areas and buffers.

- 3. Associated development, including access driveways and utility infrastructure shall be located outside of the critical area or critical area buffer to the maximum extent technically feasible;**

Finding: The entire site is located within the stream buffer and avoidance is not possible. The proposed development is located to limit tree removal and also avoid steep slopes as much as possible.

- 5. Areas of disturbance for associated development, including access and utility infrastructure shall be consolidated to the maximum extent technically feasible;**

Finding: All access and utility infrastructure is consolidated in the development footprint proposed along the eastern property line.

- 6. All areas of temporary disturbance associated with utility installation, construction staging and other development shall be determined by the Director and delineated in the field prior to construction and temporary disturbance shall be restored pursuant to a restoration plan meeting the requirements of LUC 20.25H.210;**

Finding: Construction of utilities is consolidated within the proposed development footprint. All temporary disturbance is required to be restored and areas of temporary disturbance are required to be depicted on the plans submitted under the building permit with restoration of the areas provided. See temporary disturbance restoration conditions of approval in Section X of this report.

- 7. Areas of permanent disturbance shall be mitigated to the maximum extent feasible on-site pursuant to a mitigation plan meeting the requirements of LUC 20.25H.210; and**

Finding: Approximately 2,588 square feet of restoration and mitigation planting is proposed which focuses on planting trees and ground cover vegetation outside the area of disturbance for the proposed building and improvements. The remaining undeveloped areas of the site will have invasive species removed and native ground cover planted. All planting will be monitored pursuant to the submitted maintenance and monitoring plan for a period of five years.

The proposal is limited to 2,625 square feet of permanent disturbance. All plans submitted as part of a future building permit shall ensure that the permanent disturbance, include access around the house is limited to 2,625 square feet. **See restoration, mitigation, and monitoring related conditions of approval in Section X of this report.**

- 8. Fencing, signage and/or additional buffer plantings should be incorporated into the site development in order to prevent long-term disturbance within the critical area or critical area buffer.**

Finding: The remainder of the site outside of the house footprint is required to remain undeveloped and have a native growth protection easement (NGPE) recorded over the area. The boundary of the unmodified critical areas and buffers is required to be fenced with either split rail or solid board fencing. One sign that indicates the area is a protected easement is required to be posted and is provided by the City. **See NGPE recording, fencing, and signage conditions of approval in Section X of this report.**

ii. Consistency with LUC 20.25H.125

Development within a landslide hazard or steep slope critical area or the critical area buffers of such hazards shall incorporate the following additional performance standards in design of the development, as applicable.

- 1. Structures and improvements shall minimize alterations to the natural contour of the slope and foundations shall be tiered where possible to conform to existing topography;**

Finding: Shoring is proposed along the north, south, and west sides of the proposed development in order to limit disturbance. The slope along the eastern property line will be removed to allow access to West Lake Sammamish Parkway.

- 2. Structures and improvements shall be located to preserve the most critical portion of the site and its natural landforms and vegetation;**

Finding: The most critical portion of the site is the steep slope that forms the ravine of the stream to the south and west of the site. The proposed house is located as far east as possible to avoid impacts to the ravine slope and preserve vegetation on the slope that is the stream buffer.

- 3. The proposed development shall not result in greater risk or a need for increased buffers on neighboring properties;**

Finding: The geotechnical report prepared by Geotech Consultants Inc., dated October 19, 2018 (Attachment 2) found that based on their study the proposal will not result in greater risk or necessitate increased buffers on neighboring properties. The geotechnical engineer also submitted a slope stability analysis dated June 14, 2019, which demonstrated that the factors of safety for the post-construction condition of the slopes were well over the required 1.5 and 1.15 for static and dynamic conditions. The property owner will be required to execute a Hold Harmless Agreement releasing the City from liability for any improvements within the critical area or critical area buffer.

See Hold Harmless Agreement Condition of Approval in Section X of this report.

- 4. The use of retaining walls that allow the maintenance of existing natural slope area is preferred over graded artificial slopes where graded slopes would result in increased disturbance as compared to use of retaining wall;**

Finding: The proposed house will be constructed using shoring. Minor wall construction is proposed to allow for vehicle and foot access to the house through the slope that is along the eastern property line.

- 5. Development shall be designed to minimize impervious surfaces within the critical area and critical area buffer;**

Finding: Impervious surfaces have been minimized by consolidating the proposed improvements in the footprint allowed.

- 6. Where change in grade outside the building footprint is necessary, the site retention system should be stepped and re-grading should be designed to minimize topographic modification. On slopes in excess of 40 percent, grading for yard area may be disallowed where inconsistent with this criteria;**

Finding: Retaining walls are used to facilitate access as described above. The site uses shoring walls to limit disturbance beyond the footprint.

- 7. Building foundation walls shall be utilized as retaining walls rather than rockeries or retaining structures built separately and away from the building wherever feasible. Freestanding retaining devices are only permitted when they cannot be designed as structural elements of the building foundation;**

Finding: The foundation walls will be used to retain the slope.

- 8. On slopes in excess of 40 percent, use of pole-type construction which conforms to the existing topography is required where feasible. If pole-type construction is not technically feasible, the structure must be tiered to conform**

to the existing topography and to minimize topographic modification;

Finding: Temporary shoring is being used to limit disturbance. The engineer found that pole-type construction or tiering the structure would not be feasible due to the existing topography of the site and access restrictions.

- 9. On slopes in excess of 40 percent, piled deck support structures are required where technically feasible for parking or garages over fill-based construction types; and**

Finding: Fill is not proposed for the garage and the garage and driveway are located on native soil retained by walls.

- 10. Areas of new permanent disturbance and all areas of temporary disturbance shall be mitigated and/or restored pursuant to a mitigation and restoration plan meeting the requirements of LUC 20.2SH.210.**

Finding: As described previously all temporary and permanent disturbance is restored and mitigated per the submitted planting plans. The planting on the site is to be monitored for five years per the submitted plans. **See restoration, mitigation, and monitoring conditions of approval in Section X of this report.**

iii. Consistency with LUC 20.25H.080

Development on sites with a type S or F stream or associated critical area buffer shall incorporate the following performance standards in design of the development, as applicable

- 1. Lights shall be directed away from the stream.**
Lights will be directed away from the stream which is off-site to the south.
- 2. Activity that generates noise such as parking lots, generators, and residential uses, shall be located away from the stream, or any noise shall be minimized through use of design and insulation techniques.**
Construction noise will be temporary, and no long-term noise will be generated. The project will be required to meet construction noise requirements in BCC 9.18.
- 3. Toxic runoff from new impervious area shall be routed away from the stream.**
Runoff from driveway surfaces will be captured and directed into stormwater systems and not sent to the stream which is off-site.
- 4. Treated water may be allowed to enter the stream critical area buffer.**
Clean runoff from the site will infiltrate into the soils and meet drainage requirements for water quality.
- 5. The outer edge of the stream critical area buffer shall be planted with dense vegetation to limit pet or human use.**

The proposed 2,588 square feet of planting is entirely within the stream buffer on the property. See restoration, mitigation, and monitoring conditions of approval in Section X of this report.

6. **Use of pesticides, insecticides and fertilizers within 150 feet of the edge of the stream critical area buffer shall be in accordance with the City of Bellevue's "Environmental Best Management Practices", now or as hereafter amended. S60-Wilburton Sewer Capacity Upgrade Project 29 City of Bellevue - Critical Areas Report**

The project will comply with the City's BMPs. See BMP conditions of approval in Section X of this report.

IV. Public Notice and Comment

Application Date:	February 15, 2019
Public Notice (500 feet):	May 23, 2019
Minimum Comment Period:	June 7, 2019

The Notice of Application for this project was published in the City of Bellevue weekly permit bulletin and Seattle Times on the dates noted above. All notice was mailed to property owners within 500 feet of the project site. A request to review the proposed mitigation and monitoring was submitted by Karen Walter for the Muckleshoot Tribe and the proposed plan was provided on December 26, 2019. No public comments were received at the time of the writing of this report.

V. Summary of Technical Reviews

A. Clearing and Grading

The Clearing and Grading Division of the Development Services Department has reviewed the proposed site development for compliance with Clearing and Grading codes and standards. The Clearing and Grading staff approved the application.

B. Utilities

The Utilities Department has reviewed the proposed site development and approved the application.

C. Transportation

The Transportation Department has reviewed the proposed site development and approved the application.

VI. State Environmental Policy Act (SEPA)

Per BCC 22.02.032 and WAC 197-11-800(1) construction and associated grading of one single-family residence and improvements located in critical areas is exempt from SEPA review.

VII. Changes to Proposal Due to Staff Review

Staff required the house design to be modified to limit on-site disturbance, utilize building walls

as retaining walls, and eliminate free standing retaining walls where feasible.

VIII. Decision Criteria

A. 20.30P.140 Critical Area Land Use Permit Decision Criteria – Decision Criteria

The Director may approve, or approve with modifications an application for a Critical Area Land Use Permit if:

- 1. The proposal obtains all other permits required by the Land Use Code;**
The applicant must obtain a building permit and any other permits required. **See Conditions of Approval in Section X of this report.**
- 2. The proposal utilizes to the maximum extent possible the best available construction, design and development techniques which result in the least impact on the critical area and critical area buffer;**
The proposal locates the house as close to the road as possible and in a location on the site so as to avoid the stream bank slope and additional critical area impacts.
- 3. The proposal incorporates the performance standards of Part 20.25H to the maximum extent applicable, and ;**
As discussed in Section III of this report, the applicable performance standards of LUC Section 20.25H are being met.
- 4. The proposal will be served by adequate public facilities including street, fire protection, and utilities; and;**
The property is served by adequate public facilities.
- 5. The proposal includes a mitigation or restoration plan consistent with the requirements of LUC Section 20.25H.210; and**
The planting is sufficient to meet the requirements for mitigation and restoration planting. The planting will be maintained and monitored for a period of five years. Annual reports will be submitted to the City once a year. The reports shall include a copy of the approved plan and photographs and written narrative regarding the success the planning has had in regard to the goals and performance standards found in the submitted mitigation plan. Monitoring will be guaranteed by a surety that will be held for the five-year monitoring period. Based on the submitted mitigation plans, the required surety is required to be 150 percent of the cost of plants, maintenance and monitoring for five years. The surety will be in a form provided to the applicant that will be completed with a financial institution and submitted to the City prior to building permit issuance. **See Conditions of Approval in Section X of this report.**
- 6. The proposal complies with other applicable requirements of this code.**
As discussed in this report, the proposal complies with all other applicable requirements of the Land Use Code.

B. 20.30G.140 VARIANCE DECISION CRITERIA

The Director may approve or approve with modifications an application for a variance from the provisions of the Land Use Code if:

- 1. The variance will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and land use district of the subject property**

Finding: The variance requested is to allow the proposed structure to be established as allowed through the reasonable use exception permit process described in this report. The variance does not constitute a grant of special privilege as it allows the property to achieve a reasonable use. Lots that contain critical areas are required to subtract the critical area and stream buffer from lot area before calculating allowed lot coverage. The subject site would be allowed zero square feet based on this calculation even though the reasonable use provisions would allow disturbance on the site of up to 2,625 square feet. The proposed lot coverage is consistent with adjacent properties as well as other situations where reasonable use exceptions grant a defined development envelope that is larger than the lot coverage achieved by a lot where critical areas and stream buffers are present.

- 2. The variance is necessary because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property to provide it with use rights and privileges permitted to other properties in the vicinity and in the land use district of the subject property**

Finding: The proposed variance to lot coverage is necessary to allow development of a reasonable house. The entire property is encumbered by a stream buffer which makes any development only possible with a variance to lot coverage given that lot coverage is calculated based on excluding any critical areas or stream buffer from the total lot area. Other properties along W Lake Sammamish Parkway have been granted a reasonable use exception and variances.

- 3. The granting of the variance will not be materially detrimental to property or improvements in the immediate vicinity of the subject property**

Finding: The project site is surrounded by public park to the south and west. The only development adjacent to the site is to the north which consists of single-family homes. The lot coverage variance will allow the development of a reasonable single-family home to be built on the subject site. This development is consistent with the zoning of the area and is not detrimental to adjacent properties. The proposed home does not limit future development or use of adjacent property.

- 4. The variance is not inconsistent with the Comprehensive Plan**

Finding: The site is in the Southeast Bellevue Subarea, and designated Single-Family Medium Density (SF-M) per the Comprehensive Plan. The overall density of the

proposal complies with the site's designation. The proposal is supported by the following policies of the Comprehensive Plan. The proposal is limited to a code specified development envelope and the remainder of the property will be fenced and restored and mitigated with native vegetation.

Subarea Goals and Policies

POLICY S-SE-15. Limit clearing and grading in new developments to the minimum necessary for access, utilities, and building sites.

POLICY S-SE-16. Encourage the retention of natural vegetation during and after development to minimize potential erosion and as a significant design feature of the area

Environmental Policies

POLICY EN-30. Regulate land use and development to protect natural topographic, geologic, vegetational, and hydrological features

POLICY EN-31. Protect geologically hazardous areas, especially forested steep slopes, recognizing that these areas provide multiple critical areas functions

IX. Conclusion and Decision

After conducting the various administrative reviews associated with this proposal, including Land Use Code consistency, City Code and Standard compliance reviews, the Director of the Development Services Department does hereby **approve with conditions** the construction of the proposed house and improvements under a reasonable use exception and lot coverage variance. **Approval of this Critical Areas Land Use Permit does not constitute a permit for construction. A building permit, clear and grade permit, and/or utility permit is required and all plans are subject to review for compliance with applicable City of Bellevue codes and standards.**

Note- Expiration of Approval:

- In accordance with LUC 20.30P.150 a Critical Areas Land Use Permit automatically expires and is void if the applicant fails to file for a clearing and grading permit or other necessary development permits within one year of the effective date of the approval.
- Variances shall run with the land in perpetuity if recorded with King County Department of Records and Elections within 60 days following the City's final action.

X. Conditions of Approval

The applicant shall comply with all applicable Bellevue City Codes and Ordinances including but not limited to:

<u>Applicable Ordinances</u>	<u>Contact Person</u>
Clearing and Grading Code- BCC 23.76	Savina Uzunow, 425-452-7860
Transportation Code- BCC 14.60	Ian Nisbet, 425-452-4851
Utility Code- BCC Title 24	Jason Felgar, 425-452-7851
Land Use Code- BCC Title 20	Drew Folsom, 425-452-4441
Noise Control- BCC 9.18	Drew Folsom, 425-452-4441

The following conditions are imposed under the Bellevue City Code referenced:

- 1. Building Permit:** Approval of this Critical Areas Land Use Permit does not constitute an approval of a development permit. Application for a building permit or other required permits must be submitted and approved. Plans submitted as part of either permit application shall be consistent with the activity permitted under this approval. These conditions of approval shall be submitted with the building permit application along with responses describing how they have been or will be met as part of the building permit.

Authority: Land Use Code 20.30P.140

Reviewer: Drew Folsom, Development Services Department

- 2. Restoration of Temporary Disturbance:** All areas of temporary disturbance shall be determined and depicted on the plans submitted with the building permit. These areas shall be restored with the planting depicted on the mitigation planting plan proposed for the site.

Authority: Land Use Code 20.30P.205

Reviewer: Drew Folsom, Development Services Department

- 3. Maintenance and Monitoring:** The planting area shall be maintained and monitored for 5 years as required by LUC 20.25H.220. An annual monitoring report is to be submitted to Development Services, Land Use Division in each of the five consecutive years following installation. The monitoring report shall include detailed information regarding the goals and standards outlined in the approved management plan. Photos from selected photo points shall be included in the monitoring reports to document the planting and ongoing success. As stated in the submitted maintenance and monitoring plan.

Annual monitoring reports are to be submitted to Land Use each of the five years. The reports, along with a copy of the planting plan, can be sent to Drew Folsom at dfolsom@bellevuewa.gov or to the address below:

Environmental Planning Manager
Development Services Department
City of Bellevue
PO Box 90012
Bellevue, WA 98009-9012

Authority: Land Use Code 20.30P.140; 20.25H.220

Reviewer: Drew Folsom, Development Services Department

4. **Maintenance and Monitoring Assurance Device:** A maintenance assurance device in an amount equal to 150% of the cost of plants and for five years of maintenance labor and materials is required to ensure the plants are maintained and monitored. Release of this assurance device is contingent upon receipt of documentation reporting successful establishment in compliance with the approved management plan. Land Use inspection of the planting after 5-years is required to release the surety. The maintenance surety is required to be submitted prior to building permit issuance.

Authority: Land Use Code 20.25H.220

Reviewer: Drew Folsom, Development Services Department

5. **Land Use Inspection:** Following installation of the mitigation planting the applicant shall call the inspection line and request a Land Use inspection of the planting area prior to final building inspection. Staff will need to find that the plants are in a healthy and growing condition. Land Use inspection is also required to release the maintenance surety at the end of the 5-year monitoring period. Release of the maintenance surety is contingent upon successful monitoring and maintenance and submittal of the annual monitoring reports.

Authority: Land Use Code 20.30P.140

Reviewer: Drew Folsom, Development Services Department

6. **Hold Harmless Agreement:** The applicant shall submit a hold harmless agreement in a form approved by the City Attorney which releases the City from liability for any damage arising from the location of improvements within a critical area buffer in accordance with LUC 20.30P.170. The hold harmless agreement is required to be recorded with King County prior to clearing and grading permit issuance. Staff will provide the applicant with the hold harmless form.

Authority: Land Use Code 20.30P.170

Reviewer: Drew Folsom, Development Services Department

7. **Native Growth Protection Easement:** The perimeter of the modified stream and steep slope buffers and the Native Growth Protection Easement shall be surveyed and shall have fencing and signage noting its status as a Native Growth Protection Easement. The NGPE shall be recorded with King County and shall have language which contains at minimum:

- i. An assurance that the NGPE will be kept free from all development and disturbance except where allowed or required for habitat improvement projects and vegetation management, existing topography, and other natural features will be preserved for the purpose of preventing harm to property and the environment, including, but not limited to, controlling surface water runoff and erosion, maintaining slope stability, and

- buffering and protecting plants and animal habitat.
- ii. The right of the city of Bellevue to enter to the property to investigate the condition of the NGPE upon reasonable notice;
- iii. The right of the City of Bellevue to enforce the terms of the restriction; and,
A management plan for the NGPE designating future management responsibility

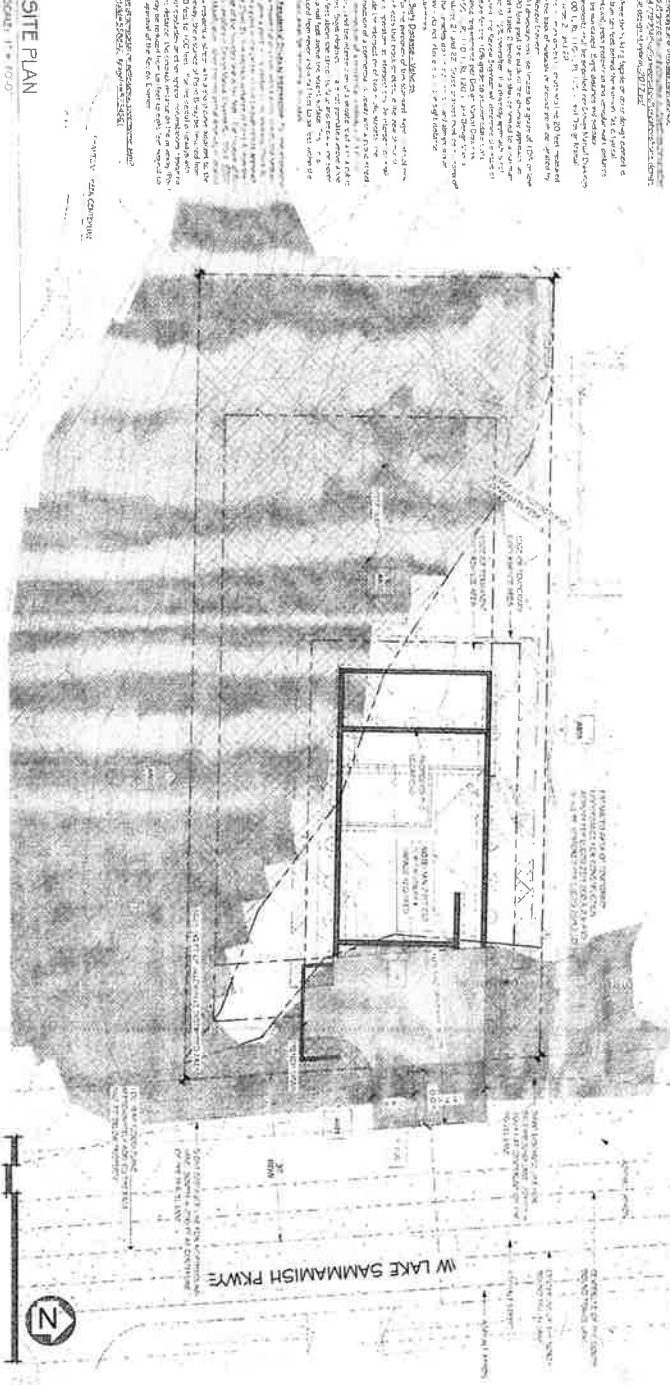
Authority: Land Use Code 20.25H.160
Reviewer Drew Folsom, Development Services Department

- 8. Pesticides, Insecticides, and Fertilizers:** The applicant must submit as part of the required Clearing and Grading Permit information regarding the use of pesticides, insecticides, and fertilizers in accordance with the City of Bellevue's "Environmental Best Management Practices".

Authority: Land Use Code 20.25H.220.H
Reviewer Drew Folsom Development Services Department

SITE PLAN

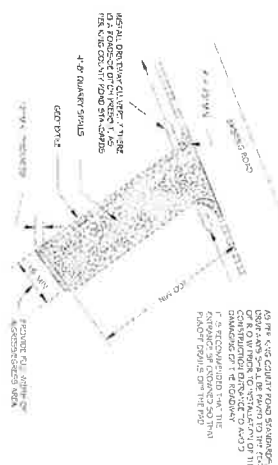
SCALE: 1" = 10'-0"



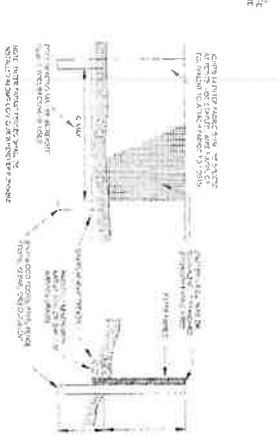
5. DRAINAGE AND EROSION CONTROL

The site is located in a high water table area. The proposed structures are designed to be elevated above the high water table. The site is also located in a high erosion area. The proposed structures are designed to be elevated above the high erosion area. The site is also located in a high erosion area. The proposed structures are designed to be elevated above the high erosion area.

TEMP CONSTRUCTION ENTRANCE



SILT FENCE DETAIL



DESIGN DEVELOPMENT

SITE PLAN & AREAS CALCULATIONS

A101

MISHRA RESIDENCE

1805 W Lake Sammamish Pkwy SE

MONSEF DESIGN STUDIO

451 DUVAL AVE NE, RENTON, WA 98059

206.612.8847 | WWW.ATERAHOMES.COM

ATERA HOMES

510g
ARC:1577 SF
FPMETZ:1610 LF

SITE, IMPERVIOUS...

Concrete Walks

Area: 14 SF
Perimeter: 15'-0" LF

Roof

Area: 1736 SF
Perimeter: 160'-0" LF

Driveway

Area: 15 SF
Perimeter: 25'-0" LF

A.E.G. CHART

This image shows a page from a handwritten manuscript, likely a musical score. The page is filled with staves of musical notation, including notes, rests, and other symbols. There is also some text written on the page, possibly lyrics or performance instructions. The handwriting is in a historical style, and the paper appears aged.

Area Schedule (S)ITF, Disturbance Area			
Area	Size	Location	Comments
Area 1	100 ft x 100 ft	House	PERMITS 14-6-11
Area 2	100 ft x 100 ft	Driveway	PERMITS 14-6-11
Area 3	100 ft x 100 ft	Maintenance Area	PERMITS 14-6-11
Area 4	100 ft x 100 ft	Road	PERMITS 14-6-11